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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

Debi L. Busam,

Case No. _____

Plaintiff,

COMPLAINT FOR VIOLATIONS OF
UNLAWFUL DEBT COLLECTION
PRACTICES ACT

v.

Daniel R. Wilkinson and
Johnson Mark, LLC,

JURY REQUESTED

Defendants.

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692c(b).

2. This action arises out of Defendants' violations of the Fair Debt Collection Practices

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Act, 15 U.S.C. § 1692 et seq. (“FDCPA”) and the Unlawful Debt Collection Practices Act.

3. Venue is proper in this district because the acts and transactions occurred here, Plaintiff resides here.

PARTIES

4. Plaintiff, Debi L. Busam, (hereinafter “Plaintiff”), is a natural person who resides in the City of Salem, State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendants, Daniel R. Wilkinson and Johnson Mark, LLC, (hereinafter “Defendants”), are licensed to conduct business in the State of Oregon and are “debt collectors” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. On or about December 8, 2010, Defendants filed a complaint in Marion County Circuit Court, case number 10C24297, regarding the collection of a debt.

7. On or about March 11, 2011, Defendants served on BAC Home Loans Servicing LP a civil subpoena ordering production of documents related to Plaintiff’s payments to BAC Home Loans Servicing LP, Plaintiff’s bank accounts, direct deposit information and personal information without the permission of the Plaintiff.

TRIAL BY JURY

8. Plaintiff is entitled to and hereby respectfully demands a trial by jury. U.S. Const. Amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

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VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

9. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

10. The foregoing acts and omissions of Defendants constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692c(b), 1692d, 1692e and 1692f.

11. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants for:

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

For an award of actual damages, pursuant to 15 U.S.C. § 1692k(a)(1) against Defendants;

For an award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A) against Defendants;

For an award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3) against Defendants.

DATED this 24th day of May, 2011.

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/s/Keith D. Karnes

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